

C18190

Docket No. 258.00040101

VERIFIED STATEMENT (DECLARATION) CLAIMING EMALL ENTITY STATUS (37 C.F.R. §§1.9(f) AND 1.27(o)) - SMALL BUSINESS CONCERN

ADDRESS OF CONCERN: Consellablate and Continues and Englands are Continues and Englands And Reproduced in 37 C.F.R. 19(4), for purposes of purposes of purposes of purposes of the summer of employees of the someon, including these of in affiliates, does not exceed 500 persons. For approach of its that the number of employees of the business concern qualifies as a small business concern as defined in 13 C.F.R. 5121.3- in that the number of employees of the business concern qualifies as a small business concern of the concern for the content of its in that the number of employees of the business concern it the swenge over the persons fact year of the concern of the sustement, (1) the number of employees of the business concern it the swenge over the persons fact year, and (2) concerns are control for a full-time, part-time, or temporary besis during each of the pay periods of the fiscal year, and (2) concerns are secontrols or has the power to control both concerns the control for the secontrol or has the power to control both when the proper to open the pay periods of the fiscal year, and (2) concerns are controls or has the power to control both when the proper to the invention, entitled by inventor(s), described to the invention, entitled by inventor(s), described to the invention, entitled by inventor(s), described to the invention serial no. Unassigned, filed Describes 20, 1999 (P.C.T.P.P.9.031764). a) (1) the specification filed burweith. b) (2) application serial no. Unassigned, filed Describes 20, 1999 (P.C.T.P.P.9.031764). c) (1) primt no	a) () the owner of the b) () an official of the	
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Declaration and Power of Allernay
Serial No. Unassigned
Filing Date: December 20, 1999
The Date: December 20, 1999

Title: DEVICE FOR TAKING AND EXAMINING SAMPLES

I hereby claim the benefit under Thic 35, United States Code \$119(e) of any United States provisional application(s) listed below.

X no such applications have been filed.
 b. _ such applications have been filed as follows:

PROVISIONAL APPLICATION	(5), If any, under 35 usc \$119(6)
APPLICATION NUMBER	DATE OF FILING (day, month, year)
·	

i hereby claim the benefit under Trile 35. United States Code, § 120 of any United States applications or § 365(c) of any PCT international applications of designating the United States of America, listed below. Insofar as the subject matter of each of the claims of this application is not disclosed in the pelor United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56 which occurred between the filing date of the prior application and the unitional or PCT international filing date of this application:

a. _ no such applications have been filed.
 b. X_ such applications have been filed as follows:

US PARENT NUMBER	PCT PARENT NUMBER (day, month, year)	Parent Filing Date	STATUS (patented, pending, abandoned)
N/A	PCT/EP98/03764	19 June 1998 ~ (19.06.1998)	

I hereby appoint Ann M. Musting (Reg. No. 33,977), Kevin W. Reasch (Reg. No. 35,651), Mark I. Gebhardt (Reg. No. 35,513), Mark A. Hollingsworth (Reg. No. 38,401), Victoria A. Sandherg (Reg. No. 41,287), Paul B. Simboli (Reg. No. 38,616), David L. Provence (Reg. No. 43,022), and Manhew W. Adams (Reg. No. 43,459) my antomorus and genta with full powers (including the powers of appointment, substitution, and revocation) to prostecute this application agents with full powers (including the powers of appointment, substitution, and revocation) to prostecute this application and my division, continuation, continuation in part, rectamination, or release thereof, and to transact all business in the Patern and Trademark Office connected therewith.

Please direct all correspondence in this case to:

Attention: Kevin W. Rassch
Mueting, Rassch & Gebhardt, P.A.
P.O. Rox 581415

Minneapolis, MN 55458-1415

Telephone No. (612) 305-1220

Pecsimile No. (612) 305-1228



Declaration and Power of Attorney Serial No. Unassigned

Filing Data: December 20, 1999

Title: DEVICE FOR TAKING AND EXAMINING SAMPLES

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The undersigned declares further that all statements made herein of his/her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these assements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Wherefore, I pray that Letters Patent be granted to me for the invention described and claimed in the specification identified above and I hereby subscribe my name to the foregoing specification and claims, Declaration and Power of Attorney, on the date indicated below.

لهمجه ۲۶٬ عصص

Name Stefan Samer

Post Office/Mailing Address: Spitzwegstrasse 13, D-82110 Germering, GERMANY DEX

T.

Declaration and Power of Attorney Serial No. Unassigned Filing Date: December 20, 1999 Title: DEVICE FOR TAKING AND EXAMINING SAMPLES Page 4 of 4

§ 1.56 Duty to disclose information material to paramability.

A passent by its very namers is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is sware of and evaluates the teachings of all information material to patternability. Each individual associated with the filing and prosecution of a patent application has a dary of candor and good faith in dealing with the Office, which includes a dary to disclose to the Office all information knows to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the passuability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to personability is deemed to be extisted if all information known to be material to personability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by \$\$1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or amonpted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

Prior art cited in search reports of a foreign patent office in a counterpart application, and

The closest information over which individuals associated with the filing or prosecution of a patent (1) (2) application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- It establishes, by itself or in combination with other information, a prime facte case of unpatentability (1) of a claim; or
- It refutes, or is inconsistent with, a position the applicant takes in: (2)
 - Opposing an argument of unpatentability relied on by the Office, or
 - Asserting an argument of parentability. (H)

A prime facile case of unpetentiality is established when the information compels a conclusion that a claim is unparentable under the preponderance of evidence, burden-of-proof standard, giving each reum in the claim its broadest ressonable construction consistant with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of parentability.

- Individuals associated with the filing of prosecution of a patent application within the meaning of this (c) section are:
 - Bach inventor named in the application;

Each ettoropy or agent who prepares or prosecutes the application; and (1)

- Every other person who is substantively involved in the preparation or prosecution of the explication (2) (3) and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

GES. VON: Vossius & Trartner



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Docket N : 258.00040101

DECLARATION AND POWER OF ATTORNEY

I, Stofan Sonner, the sole inventor of the invention claimed, declare that: (1) my distantship and mailing address are indicated below: (2) I have reviewed and understand the contents of the specification identified below, including the claims, as amended by any amendment specifically reflected to hearin, (3) I believe that I am the original and first inventor of the subject matter in

DEVICE FOR TAKING AND EXAMINING SAMPLES

Filed: December 20, 1999

Serial No.: Unassigned

described and claimed therein and for which a passer is sought, and (4) I hereby acknowledge my duty to disclose to the U.S. Petent and Trademark Office all information known to me to be material to the patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim forcign priority benefits under Title 15, United States Code, §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate listed below, or \$365(s) of any PCT international application which designates at least one country other than the United States of America listed below, and have also identified below any fureign application for patent or inventor's partificate, or any PCT international application having a filing date before that of the application on the basis of which priority is claimed:

- a _ no such applications have been filed.
- b. X such applications have been filed as follows:

FOREIG	N APPLICATION(S), IF	any, claiming priori 1365(1), and/or 1365(b)	
COUNTRY	APPLICATION NUMBER	DATE OF FILING (dey, month, year)	DATE OF ISSUE (dey, month, year)
(DE) /	197 26 268.6	20 June 1997 / (20.06.97)	
No. of the state o			

PODEIGN AP	PLICATIONS, IF ANY, FI	LED BEFORE THE PRIC	PATE OF ISSUE
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, ments, year)	DATE OF ISSUE (day, month; year)
NONE			

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